



Llywodraeth Cymru  
Welsh Government

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## **WRITTEN STATEMENT BY THE WELSH GOVERNMENT**

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**TITLE**            **The Health and Safety (Amendment) (EU Exit) Regulations 2018**  
**DATE**            **29 July 2019**  
**BY**                **Rebecca Evans AM, Minister for Finance and Trefnydd**

### **The Health and Safety (Amendment) (EU Exit) Regulations 2018**

#### **The retained EU Law which is being amended**

- EU Regulation, Commission Implementing Regulation (EU) No. 1112/2014

#### **Domestic Legislation**

- The Offshore Installations and Pipeline Works (Management and Administration) Regulations 1995
- The Offshore Installations (Prevention of Fire and Explosion, and Emergency Response) Regulations 1995
- The Borehole Sites and Operations Regulations 1995
- The Offshore Installations and Wells (Design and Construction, etc.) Regulations 1996
- The Health and Safety (Safety Signs and Signals) Regulations 1996
- The Control of Substances Hazardous to Health Regulations 2002
- The Control of Artificial Optical Radiation at Work Regulations 2010
- The Offshore Installations (Offshore Safety Directive) (Safety Case etc.) Regulations 2015
- The Control of Major Accident Hazards Regulations 2015
- The Ionising Radiations Regulations 2017
- The Genetically Modified Organisms (Contained Use) Regulations 2014

#### **The SIs impact in relation to Wales:**

In terms of the SIs impact in Wales, it makes amendments to the following regulations in so far that they relate to environmental aspects which are within devolved competence. They will address deficiencies and redundant references in health and safety legislation arising from the UK's exit from the European Union.

#### **The Control of Major Accident Hazards Regulations 2015**

These Regulations are being amended in relation to the provision of information to the public, and the requirement to provide information to and advise Member States, provide

information to the European Commission and in relation to the contents of external emergency plans which will no longer be appropriate once the UK leaves the EU.

### **The Genetically Modified Organisms (Contained Use) Regulations 2014**

These Regulations are being amended to remove a redundant reference and to amend requirements for the competent authority to notify European Economic Area (EEA) States and report to the European Union which will no longer be appropriate once the UK leaves the EU.

### **Any impact the SI may have on the Assembly's legislative competence and/or the Welsh Ministers' executive competence**

The SIs (where relevant) to Wales are within devolved competence, however, in these exceptional circumstances when we are required to consider and correct an unprecedented volume of legislation within a tight timeframe and with finite resources, the Welsh Government's general principal is that it appropriate that we ask the UK Government to legislate on our behalf in a large number of statutory instruments.

### **The purpose of the amendments**

A variety of community measures in the field of health and safety at work have been adopted under Article 153 of the Treaty on the Functioning of the EU Including Directives, most notably Directive 89/391/EEC on the introduction of measures to encourage improvements in the health and safety of workers at work ('the Framework Directive'). Other measures include directly acting Regulations. Domestic health and safety regulations support and implement the measures adopted by the EU.

The European Union Withdrawal Act 2018 ('EUWA') will allow EU-derived legislation to be fixed to ensure it operates properly and effectively once the UK has left the EU. These amendments address deficiencies in health and safety legislation arising from the exit of the UK from the EU. This instrument amends provisions which will for example, become inappropriate or redundant.

This instrument amends the relevant legislation to ensure that existing protections and regulatory frameworks are maintained and continue to work in the same way once the UK has left the EU.

The SI and accompanying Explanatory Memorandums, setting out the effect of each amendment is available here: <https://beta.parliament.uk/statutory-instruments/TaCkRtJW>

### **Why consent was given**

Consent has been given for the UK Government to make these corrections in relation to, and on behalf of, Wales for reasons of efficiency, expediency and due to the technical nature of the amendments. The amendments have been considered fully; and there is no divergence in policy. These amendments are to ensure that the statute book remains functional following the UK's exit from the EU. This is in line with the principles for correcting agreed by the Cabinet Sub-Committee on European Transition in May 2018.